

REMARKS

The Application has been carefully reviewed in light of the Office Action mailed February 25, 2008. At the time of this Office Action, Claims 1-50 were pending in the Application and Claims 1-50 were rejected. The following actions were taken or matters raised: (I) Claims 1-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ott (US 6,671,802) in view of Rothman (US 2004/0088531). In order to advance prosecution of this case by overcoming the rejections asserted by the Office, claim amendments and associated remarks addressing such rejection are presented herein. The Applicants respectfully request reconsideration and favorable action in this case

Rejection under 35 U.S.C. § 103(a) – Ott in view of Rothman

The Office has rejected independent Claims 1-50 under 35 U.S.C. § 103(a) as being unpatentable over Ott (US 6,671,802) in view of Rothman (US 2004/0088531). The Applicants assert that, in view of amended independent Claims 1, 10, 18, 26, 35 and 43, the present invention as recited in amended independent Claims 1, 10, 18, 26, 35 and 43 and all claims dependent thereon are clearly distinguished from Ott and Rothman, individually and in combination, and provides advantageous, useful and non-obvious functionality with respect to Ott and/or Rothman. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to Claims 1-50 as being unpatentable over Ott in view of Rothman is overcome and respectfully requests the Office to withdraw the rejection asserted against Claims 1-50 under 35 U.S.C. § 103(a) as being unpatentable over Ott in view of Rothman.

Independent claims 1, 10, 18, 26, 35 and 43 have been amended to characterize the invention with greater specificity in view of the cited references. Claims 1 and 26 have each been amended to recite, “tracking status information of a primary system component of a platform-side operating system in a data processing system, wherein said tracking is facilitated by a service processor of the data processing system; tracking status information of a redundant system component of the platform-side operating system in the data processing system in combination with tracking said status information of the primary system component, wherein the redundant system component is configured for providing functionality provided by the primary system component and wherein said tracking is facilitated by a service processor of the data processing system; and configuring the platform-side operating system dependent at least partially upon said status information of at least one of said system components, wherein said configuring includes determining if the primary system component is incapable of providing said functionality and allowing said functionality to be provided by the redundant system component in response to determining that the primary system component is incapable of providing said functionality, wherein said configuring is facilitated at least partially by platform firmware of data processing system.” With respect to Claims 1 and 26, Ott and/or Rothman do not disclose, teach or suggest the recited operations and associated limitations of such claims. More specifically, individually or in combination, Ott and Rothman do not disclose, teach or suggest: 1.) tracking status information of a primary system component of a platform-side operating system in a data processing system, 2.) such the primary system component tracking being facilitated by a service processor of the data processing system, 3.) tracking status information of a redundant system component of the platform-side operating system in the data processing system in combination with tracking the status information of the primary system component, 4.) the redundant system component

being configured for providing functionality provided by the primary system component, 5.) such redundant system component tracking being facilitated by a service processor of the data processing system, 6.) configuring the platform-side operating system dependent at least partially upon the status information of at least one of the system components, 7.) such configuring including determining if the primary system component is incapable of providing the functionality and allowing the functionality to be provided by the redundant system component in response to determining that the primary system component is incapable of providing the functionality, and 8.) such configuring being facilitated at least partially by platform firmware of data processing system.

Claims 10 and 35 have each been amended to recite, “tracking status information of a primary system component of a platform-side operating system in a data processing system; tracking status information of a redundant system component of the platform-side operating system in the data processing system in combination with tracking said status information of the primary system component, wherein the redundant system component is configured for providing functionality provided by the primary system component and wherein said tracking is facilitated by a service processor of the data processing system; and enabling access of at least a portion of said status information of at least one of said system components by platform firmware of the data processing system for enabling the platform-side operating system to be configured dependent at least partially upon said status information of at least one of said system components; wherein said tracking and said enabling access are facilitated by a service processor of the data processing system.” With respect to Claims 10 and 35, Ott and/or Rothman do not disclose, teach or suggest the recited operations and associated limitations of such claims. More specifically, individually or in combination, Ott and

Rothman do not disclose, teach or suggest: 1.) tracking status information of a primary system component of a platform-side operating system in a data processing system, 2.) tracking status information of a redundant system component of the platform-side operating system in the data processing system in combination with tracking the status information of the primary system component, 3.) the redundant system component being configured for providing functionality provided by the primary system component, 4.) enabling access of at least a portion of the status information of at least one of the system components by platform firmware of the data processing system for enabling the platform-side operating system to be configured dependent at least partially upon the status information of at least one of the system components, and 5.) such tracking and such enabling access being facilitated by a service processor of the data processing system.

Claims 18 and 43 have each been amended to recite, “accessing status information of a primary system component of a platform-side operating system in a data processing system; accessing status information of a redundant system component of the platform-side operating system in the data processing system in combination with accessing said status information of the primary system component, wherein the redundant system component is configured for providing functionality provided by the primary system component; and configuring the platform-side operating system dependent at least partially upon said status information of at least one of said system components; wherein said accessing and at least a portion of said configuring are facilitated by platform firmware of data processing system.” With respect to Claims 18 and 43, Ott and/or Rothman do not disclose, teach or suggest the recited operations and associated limitations of such claims. More specifically, individually or in combination, Ott and Rothman do not disclose, teach or suggest: 1.) accessing status information of a

primary system component of a platform-side operating system in a data processing system, 2.) accessing status information of a redundant system component of the platform-side operating system in the data processing system in combination with accessing the status information of the primary system component, 3.) the redundant system component being configured for providing functionality provided by the primary system component, 4.) configuring the platform-side operating system dependent at least partially upon the status information of at least one of the system components and 5.) such accessing and at least a portion of such configuring being facilitated by platform firmware of data processing system.

Furthermore, the applicants submit that the Office has misconstrued at least a portion of the Rothman with respect to the claimed invention. Rothman discloses that any tracking functionality of system components can be performed by an Extensible Firmware Interface (EFI) (Rothman: 0009 and 0017). However, it is well known that systems dependent upon EFI do not (i.e., are not capable of) tracking an operating status of redundant system components. As such, Rothman does not disclose a viable approach for tracking the operating status of redundant system components and, thus, systems in accordance with the disclosures of Rothman are not capable of or configured for carrying out the system component tracking functionality of the claimed invention.


In view of the amendments made to Claims 1, 10, 18, 26, 35 and 43 and the associated remarks, Claims 1, 10, 18, 26, 35 and 43, and all claims dependent thereon, are patentable under 35 U.S.C. 103(a) over Ott in view of Rothman because they recite features, physical structure and/or function not present in, configured for being provided by, or intended to be provided by system, equipment or methods in accordance with the disclosures

of Ott and/or Rothman, and therefore distinguish physically over Ott and/or Rothman. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to Claims 1-50 as being unpatentable over Ott in view of Rothman is overcome and respectfully requests the Office to withdraw the rejection asserted against Claims 1-50 under 35 U.S.C. § 103(a) as being unpatentable over Ott in view of Rothman.

CONCLUSIONS

The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

By: 
Raymond M Galasso
Reg. No. 37,832

Galasso & Associates, LP
P.O. Box 26503
Austin, Texas 78755-0503
Telephone: (512) 306-8533
Facsimile: (512) 306-8559